

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 331

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
HOLDING SCHOOL DISTRICTS AND CHARTER SCHOOLS HARMLESS IN FISCAL
YEAR 2022 FUNDING FORMULA CALCULATIONS FOR EFFECTS OF THE
CORONAVIRUS DISEASE 2019 PANDEMIC ON TRANSPORTATION; MAKING
TEMPORARY ADJUSTMENTS TO TRANSPORTATION DISTRIBUTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-8-29 NMSA 1978 (being Laws 1967,
Chapter 16, Section 78, as amended) is amended to read:

"22-8-29. TRANSPORTATION DISTRIBUTIONS--REPORTS--
PAYMENTS.--

A. On the second reporting date and the third
reporting date of each year, each local school board of a
school district and governing body of a state-chartered charter
school shall report to the state transportation director, upon

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underscoring material = new
~~[bracketed material] = delete~~

1 forms furnished by the state transportation director, the
2 following information concerning the school district's or
3 state-chartered charter school's operation on each respective
4 reporting date of the current year:

5 (1) the number and designation of school bus
6 routes in operation in the school district;

7 (2) the number of miles traveled by each
8 school bus on each school bus route, showing the route mileage
9 in accordance with the type of road surface traveled;

10 (3) the number of students, including special
11 education students, transported on each reporting date of the
12 current year and adjusted for special education students on
13 December 1;

14 (4) the projected number of students to be
15 transported in the next school year;

16 (5) the seating capacity, age and mileage of
17 each bus used in the school district for student
18 transportation; and

19 (6) the number of total miles traveled for
20 each school district's or state-chartered charter school's per
21 capita feeder routes.

22 B. Each local school board of a school district and
23 governing body of a state-chartered charter school maintaining
24 a school bus route shall make further reports to the state
25 transportation director at other times specified by the state

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1 transportation director.

2 C. The state transportation director shall certify
 3 to the secretary that the allocations from the transportation
 4 distributions to each school district and state-chartered
 5 charter school are based upon the transportation distribution
 6 formula established in the Public School Code, calculated and
 7 distributed for the entire school year using an average of the
 8 amounts reported pursuant to Subsection A of this section on
 9 the second reporting date and third reporting date of the prior
 10 school year, and are subject to audit and verification;
 11 provided that for fiscal year 2022, the state transportation
 12 director shall use an average of the amounts reported pursuant
 13 to Subsection A of this section on the second and third
 14 reporting dates of fiscal year 2020.

15 D. The department shall make periodic installment
 16 payments to school districts and state-chartered charter
 17 schools during the school year from the transportation
 18 distributions, based upon the allocations certified by the
 19 state transportation director."

20 **SECTION 2.** Section 22-8-29.1 NMSA 1978 (being Laws 1995,
 21 Chapter 208, Section 10, as amended) is amended to read:

22 "22-8-29.1. CALCULATION OF TRANSPORTATION ALLOCATION.--

23 A. As used in this section:

24 (1) "annual variables" means the coefficients
 25 calculated by regressing the total operational expenditures

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1 from two years prior to the current school year for each school
2 district and state-chartered charter school using the number of
3 students transported and the numerical value of site
4 characteristics; provided that for fiscal year 2022, the
5 coefficients shall be calculated by regressing the total
6 operational expenditures from fiscal year 2019;

7 (2) "base amount" means the fixed amount that
8 is the same for all school districts and an amount established
9 by rule for state-chartered charter schools;

10 (3) "total operational expenditures" means the
11 sum of all to-and-from school transportation expenditures,
12 excluding expenditures incurred in accordance with the
13 provisions of Section 22-8-27 NMSA 1978; and

14 (4) "variable amount" means the sum of the
15 product of the annual variables multiplied by each school
16 district's or state-chartered charter school's numerical value
17 of the school district's and state-chartered charter school's
18 site characteristics multiplied by the number of days of
19 operation for each school district or state-chartered charter
20 school.

21 B. The department shall calculate the
22 transportation allocation for each school district and state-
23 chartered charter school.

24 C. The base amount is designated as product A.
25 Product A is the constant calculated by regressing the total

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1 ~~[operations]~~ operational expenditures from the two years prior
 2 to the current school year for school district or state-
 3 chartered charter school operations using the numerical value
 4 of site characteristics approved by the department. The
 5 legislative education study committee and the legislative
 6 finance committee may review the site characteristics developed
 7 by the state transportation director prior to approval by the
 8 department.

9 D. The variable amount is designated as product B.
 10 Product B is the predicted additional expenditures for each
 11 school district or state-chartered charter school based on the
 12 regression analysis using the site characteristics as predictor
 13 variables multiplied by the number of days.

14 E. The allocation to each school district and
 15 state-chartered charter school shall be equal to product A plus
 16 product B. The adjustment factor shall be applied to the
 17 calculation.

18 F. For the 2001-2002, 2002-2003 and 2003-2004
 19 school years, the transportation allocation for each school
 20 district shall not be less than ninety-five percent or more
 21 than one hundred five percent of the prior school year's
 22 transportation expenditure.

23 ~~[G. The adjustment factor shall be applied to the~~
 24 ~~allocation amount determined pursuant to Subsections E and F of~~
 25 ~~this section.]"~~

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